# LEVY ELECTION LAW DECLARED INVALID

In Its Two Leading Features **Affecting Fusion and** Registration.

# DISCRIMINATES IN VOTING

Court of Appeals Unanimous in Its Decisions-New Primary Bill Hit.

ALBANY. Oct. 10 .- Unanimous decisions by the Court of Appeals were handed down to-day declaring unconstitutional the two provisions of the new Levy law which have been contested by the Repubican State organization and the Hearst organization.

Chief Judge Cullen wrote the opinion in the proceedings instituted by John J Hopper of the Independence League declaring unconstitutional that provision of the Levy law which prohibits the printin more than one party column on the Court Justice Gavegan decided this case in the same way at the outset, but the overruled Justice Gavegan by a vote of

This decision of the Court of Appeals is equally applicable to the official primary ballot provided for in the direct primary law which just passed the Legislature but which has not yet been signed by Gov. Dix. wherein it is provided that the name of a candidate for a party nomination or member of a party committee can appear on the official primary ballot only once.

Judge Irving G. Vann wrote the opinby electors of Rutland, Jefferson county. in which the court holds unconstitutional the provision requiring all voters in apply in person in order to be registered the first meeting of the election inspectors if such voters desire to vote at this fall's election. But Judge Vann points out that rigid requirements other than personal registration may be thought out to apply to the rural voter.

Ex-Judge D-Cady Herrick made the principal argument before the Court of Appeals for the constitutionality of both of these provisions of the Levy law.

RAP AT SOME REFORMERS. Chief Judge Cullen in deciding that a roter of any party in addition to the Democratic or Republican party which may fuse with either one of the two great parties has just as much right to be able vote his straight party ticket, accomshed through fusion or not, by making single mark in the circle over his party formers to secure such changes in the election hallot as would seek to prevent the elector from voting easily for whom

Chief Judge Cullen also declares that the Legislature might make fusions effacted by bribery or an illegal consideration criminal and punish those responsible, but that because many coalitions etween bodies of electors are corrupt and criminal the Legislature cannot forbid coalition nominations or indirectly effect the same thing by rendering it more difficult to vote for a coalition nominee Judge Vann in his opinion declaring

the Legislature cannot compel personal rigistration in rural districts points out hat proper proofs may be required of fural electors by the Legislature within the limits of reason, such as proof by fidavit or by the testimony of a third erson, to be furnished at the first meet ng of the election inspectors, but that the Legislature cannot under any circumstances exact such proof as will involve the personal appearance of the voter before the election officials, or what is termed personal registration.

# THE RIGHT TO VOTE.

In his opinion, which makes fusion of the Republicans and Hearstites in New York city counties easy, Chief Judge Cullen savs:

'In section 1 of Article I, of the State Constitution it is enacted that 'no member of this State shall be disfranchised unless Justice Morton's ruling this afternoon. by the law of the land or the judgment of The matter will be taken to the full bench his peers.' It is therefore clear that the of the Supreme Court. otherwise plenary power granted to the Legislature to prescribe the method of conducting elections cannot be so exercised as to disfranchise constitutionally qualified electors, and any system of election that unnecessarily prevents the stitution. We have said 'unnecessarily,' for there is no practicable system of conor physical defect an opportunity to vote by securing assistance and to every elecfor the right to vote for whom he chooses by writing the name in the blank column if the name of his candidate is not on the ballot If these rights were not accorded the present election law would be void. \*Indeed, there has been serious critient system because so many votes have having left home and they returned her

been declared void by reason of the ir- to her home. regularity in the form of the marks made

State does not guarantee to each voter the right to express his will by a single in any other particular manner, our opinion the Constitution by g that certain officers shall be by the electors does guarantee . Continued on Second Page.

Doubtless the Constitution of this

PAROLE FOR JOHN R. WALSH? Bellef That One Has Been Granted, but

CHICAGO, Oct. 10 .- John R. Walsh, the Chicago banker, was ordered paroled by Government officials at Washington to-day, according to unofficial reports Tammany Convention Nominates Henry received in this city. His attorneys say they believe the report to be correct. Walsh had been in the Federal prison at Fort Leavenworth, Kan., since January 19, 1910.

WASHINGTON, Oct. 10. - While it is understood generally here that the board of parole has acted favorably upon the application of John R. Walsh, the Department of Justice refuses all information on the subject. Robert W. Ladow, superintendent of Federal prisons, said to-day that any announcement in the matter must come from Leavenworth, rom Mr. Walsh himself or from his attorneys or friends.

"No exception will be made in the Walsh case," said Mr. Ladow. "Great pressure has been brought to bear on the Department to make its decision known in this case but the usual rule will e followed.

Mr. Ladow made this statement after Wickersham, to whom the action of the parole board in the Walsh case has been referred. The decision of the board in order to become legal must be approved by the Attorney-General.

#### DOROTHY ARNOLD NOT FOUND. Family Lawyer Says That the Family Has No News of Her.

A published report that Dorothy Arnold of 108 East Seventy-ninth street, who disappeared from her home ten months ago had been found was positively denied ing of the name of a candidate for office last night by her brother, John W. Arnold. who has been most active in the search official ballot used election day. Supreme | for the missing girl and who has always acted as the spokesman for the family.

Mr. Arnold said that in the afternoon he had been called up at his office and Appellate Division of the Supreme Court questioned over the telephone about a rumor that his sister was either now in the city or on her way here from Europe. He had replied, he said, that he had from the first made it a point not to discuss he case at his office and the matter so far as he was concerned ended there. From this telephone conversation, so

Mr. Arnold thought, grew the report published that he had given color to the rumor by suggesting that more might be earned by seeing him at his home.

The fact that the Arnold home on East Seventy-ninth street, which has been closed during the summer, was opened ion of the court in the proceedings brought yesterday led to another report that the missing girl had returned home, but it was said by another member of the family that such was not the case. John S. every piedge made therein has been re-Keith, the Arnolds' lawyer, who called deemed. Statewide election reform, income places of under 5.000 population who Keith, the Arnolds' lawyer, who called did not vote at last fall's election to upon John W. Arnold after receiving the report, said afterward that the family had no news of Miss Arnold.

#### FOUND MOTHER STILL LIVING. Father Brothers Gets Home From Europe in Time to Have Her Recognize Him.

ORANGE, N. J., Oct. 10.-Mrs. Kath-ORANGE, N. J., Oct. 19.—Mrs. Kath-pertant reforms show not only the efficiency and devotion to the public interests of Gov. iam A. Brothers, rector of the Church of the Immaculate Conception, Montclair, died at the home of her daughter, Mrs. James D. Moriarty, 29 Mount Vernon vide honest and able officials for the adminisavenue, this city, to-day, a little less than twenty-four hours after her son the priest arrived from abroad.

Yesterday while the priest yet had the last stage of his long journey to cover olumn raps the efforts of ballot re- tion of the one wish expressed repeatedly during her last illness. An automobile was obtained and the son hurried across the twelve miles still separating them. When he reached the sickroom Mrs. Brothers and recognized him.

survive Mrs. Brothers. She was 74 years old and was a native of Ireland. The mass of requiem, which will be held in St. John's Church, Orange, on Thursday morning, will be conducted by the son who hurried home to see her before death

#### CONCORD WAS MRS. EDDY'S HOME. Massachusetts Judge Finds That Si Never Changed Domicile.

Boston, Oct. 10-Justice Morton the Supreme Court in an opinion handed down to-day sustained the decree of the Probate Court allowing Mrs. Mary Baker G. Eddy's will as a foreign one.

Justice Morton finds that Mrs. Eddy' domicile was in Concord, N. H., when she died and that she never legally changed it to Chestnut Hill, Newton.

Attorney-General Swift and Treasure Stevens had set up the claim that Mrs. Eddy resided in Newton at the time of her death and that the will should be probated in Middlesex county as the original. This would give Massachusetts a large inheritence tax from the property left by the founder of Christian Science A decree was entered according to

#### LOST SCHOOLGIRL BACK. Says She Went Over to Weehawken and Slept'on a Veranda.

May Lewis, the fourteen-year-old elector from voting or from voting for the daughter of Mrs. Anna B. Lewis of 155 candidate of his choice violates the Con- East Ninety-sixth street, who had been missing from her home since Monday morning when she left to go to school, ducting elections at which some electors came home at 5 o'clock last night. She by sickness or other misfortune may not said that on her way to school a boy had be unable to vote. Under our law the stolen her transfer ticket that let her in a blanket ballot affords a voter who may be school at Ninety-third street and Lexunable to read the ballot from illiteracy ington avenue. She hadn't felt very keen about school anyway, so she went downtown. She remembered once going with her mother to Atlantic Highlands, so she went to the West Forty-second street ferry and over to Jersey. There she walked around in the hills for a while when she felt sleepy, so she went on the porch of an unoccupied house and sleadle night. Yesterday morning two oladies took her in and fed her. The property of the like her in and the her in the like her in

# Charles M. Schwab in Pekin.

Special Cable Despatch to The Sun.
PEKIN, Oct. 10:-Charles M. Schwab, while awaiting the arrival of high Chinese naval dignitaries, is taking stock of the great Chinese wall and seeing other

BONDS & STOCK CERTIFICATES Engraved and printed by Corlies, Macy & Co., enc., 40 John Street. Established 1887.—Ade.

HARBURGER UP FOR SHERIFF

T. D. SULLIVAN HAD THE CHOICE WITH A HINT TO PICK A JEW.

Court Place-Scott, Pendleton, Cohalan and Fowler Also Nominated.

This is the Tammany county ticket: For Justices of the Supreme Court-Francis M. Scott, Daniel F. Cohalan, Francis K. Pendleton and Henry D. Hotchkiss.

For Surrogate-Robert Ludlow Fowler. For Sherif-Julius Harburger.

to it on the floor of the Tammany convention, but the making up of the ticket caused a lot of tribulation to Charles part of the evening. The trouble was over the office of Sheriff. Christie Sullivan, who had the nomination two years ago and was defeated, wanted it again this year, but Mr. Murphy thought that long conference with Attorney-General would be bad policy. The friends of Peter J. Dooling and Frank J. Goodwin when they heard that Christie was out sought to get the nomination for their candidates. But Mr. Murphy refused to listen to them. He held that as custom and Eighth avenue, who has been on had always given the nomination of Sheriff to the Sullivan organization he would not break away from it this year. He told Big Tim Sullivan that he could name the candidate and he suggested that the choice should be some one who could influence the Jewish vote. That brought about the nomination of Julius Harburger.

In the afternoon a conference was held at the office of William D. Guthrie between the heads of Tammany Hall, Mr. Guthrie. that Hickey went up with his revolver to ex-Justice Morgan J. O'Brien and Charles Burlinghame, representing the Bar Association, and Alton B. Parker for the County Lawyers Association. These representatives of the two leading lawyers' associations told the Tammany committee that the judicial ticket which had been decided upon was entirely agreeable to them. They praised the work of Justices Scott, Cohalan and Pendleton and the choice of Mr. Hotchkiss as the fourth

Congressman Henry M. Goldfogle was made chairman of the convention. The

platform saye: We congratulate the Democracy of the State upon the excellent record made by a Democratic Governor and a Democratic Legislature, who labored diligently and to the people in that platform. Each and tax, direct election by the people of United Senators, parceis post extension, tax reform, canal and water front improvements, direct primaries, provision bargel canal terminals, a rational equitable revision of the inheritance tax the public health and laws affecting capital and labor and the welfare of all classes of the people have been enacted. These im-John A. Dix and a Democratic Legislature but they also give gratifying evidence of the capacity of the Democratic party to pro-

tration of public affairs.

We rejoice with the Democracy of the nation in the splendid and substantial success attained by a Democratic Congress in striving to fulfil the promises made to the people in the Democratic national platit was thought that Mrs. Brothers would form by passing laws designed for downpassaway without having seen the realiza-uion of the one wish expressed repeatedly majority in the House of Representatives has indeed done much to simulate Democourage Democratic effort for 1912.

Democratic success in the nation means wise and safe constitutional government, was unconscious, but she revived later peace at home and abroad, honest public service, economy in public expenses, re-Four other sons and one daughter duction in the unreasonable and high cost of living, thereby contributing to general prosperity and happiness, because ocracy has always opposed trusts by whomsoever formed, especially ganized to limit production and advance prices against the welfare of the people

Robert L. Luce nominated Justice Scott, Morgan J. O'Brien put Justice Cobalan in nomination, and R. Burnham Moffatt named Justice Pendleton. Col Asa Bird Gardiner nominated Mr. Fowler for Surrogate, and Congressman William Sulzer presented Mr. Harburger's name. After the nomination for Sheriff had

een made the meeting began to break ip, but Mr. Goldfogle explained that here was other work for the convention. Secretary Thomas F. Smith read a resolution which had been prepared by the executive committee to the effect that while the nomination of a fourth Judge ad not been provided for in the primary call the Legislature had passed and the Governor had signed a bill for the election of an additional Justice in this district. and that the Secretary of State had issued notice to the political organization calling upon them at their conventions

to make a fourth nomination. The resolution wound up with a clause to the effect that in view of the mandatory provisions of the act the convention should proceed to make such a nomination. This formality was gone through and Mr.

Hotehkiss was named. The lawyers on the Tammany executive committee decided that this would be the best course to follow. They advised that the convention should go shead and make the nomination and that if there should be any questions raised as to the seeming conflict between the constitution and the public officers' act it would be a matter for the courts.

# A POISON MYSTERY

-- fils Friends Vanish.

of Hahira, Ga., who arrived here Sunday exclaimed Mr. Dowling, "and we ought on his way to Boston where he was to start in the Glidden automobile tour, is in Believue Hospital suffering from chloral poisoning, and his two little daughters whom he brought with him are in the care of the Children's society waiting until their father recovers. is in Believue Hospital suffering from r are in the care of the Children's society waiting until their father recovers.

waiting until their father recovers.

The girls are Ruby, 12 years old, and Jessie, I years old. Ruby says that her father shipped his automobile to this city and in company with a Dr. J. B. Smith and Joseph E. Scruges, also of Hahira, arrived here Sunday and went to the Hotel Churchiii at Fourteenth screet and Broadway. On Sunday her father was taken iil and yesterday his condition became such that he was taken to Bellevue Hospital. Ruby doesn't know what made her father ill.

Dr. Smith and Mr. Scruges left the The Aldermen believe that they will be

NEGRO SOLDIER KILLS TWO. VOTES FOR WOMEN IN DOUBT Breaks From Quarters After Arrest and

BURLINGTON, Vt., Oct. 10.-Thomas Carlisle, a negro private in the Tenth Cavalry, stationed at Fort Ethan Allen. was arrested to-day and sent to his quar-D. Hotchkiss for Fourth Supreme | ters on the complaint of another trooper, Andrew C. Fox. His gun and cartridges were not taken from hm.

Carlisle spent the morning brooding. About noon he rushed out of the barracks and killed Fox by sending a bullet through his skull. Other soldiers ran toward Carlisle, but he sprinted down the road and ran into Bluefort's restaurant.

He rushed upstairs, broke into the room of a young colored woman, Clara Wash-There was no opposition of any kind ington, and shot her dead. Another colored girl came in and Carlisle shot

her also. She probably will die. For twenty minutes Carlisle stood at a window and fired every bullet he had left F. Murphy and his advisers in the early at soldiers who surrounded the house One of them killed Capt. Godson's horse While Carlisle was shooting Lieut. Blaine. a white officer, crept toward the house through underbrush and shot Carlisle through the hip.

#### JUSTIFIED IN SHOOTING BOY. Acquits Janitor Who Had Been 3 to 1. Jury Bothered by Hoodlums.

Frederick Hickey, janitor of the Donac

apartment house at Forty-ninth street

for manslaughter before Judge Malone in General Sessions, was acquitted yesterday. The jury was out five minutes Hickey shot Bartholomew Peluso, a that had been annoying Hickey for some time. Abraham Levy, counsel for Hickey, had a number of witnesses on the stand to show the disorderly character of the bands of boys who gathered in that The witnesses agreed neighborhood. scare the boys away only after ash cans had been upset in the areaway and a fusillade of cans and bottles had greeted the men who tried to clear up the muss. The principal witnesses for the prosecu tion were several boys who had been hanging around the apartment house the evening of May 12, when Peluso was shot

#### HARD TIMES AHEAD, SAYS HILL. Head of Great Northern Says More Men Will Be Idle Than Ever Before.

St. PAUL, Oct. 10 .- "There will be more idle men this winter than ever before, predicted James J. Hill this afternoon in discussing business.

"This is the reason," continued the chairman of the Great Northern road. "Our capacity for production along industrial lines has grown faster than our consumption along the same lines.

"Some years ago the farmer had to raise enough to feed himself and another man in the cities; now he must raise enough for himself and for two other men, on account of the movement to in dustry rather than farms."

"Business is sound," We affirmed, "but no new enterprises are being started. The politicians and newspapers are to blame. There is too much political ghost dancing. The people are not given the facts. There is uncertainty as to the

#### DUEL FOR A GOVERNORSHIP. Reynald's Murderous Proposal for Settling Mexican Controversy.

MEXICO CITY, Oct. 10 .- Señor Revnald, the candidate for Governor of th State of Chianas, who desires to change the capital to San Cristobal from Tuxtla. Gutierrez, has challenged Señor Torres, recently proclaimed Governor there, to a duel to the death to settle the question of governorship and the location of the capital. These are the proposed terms of the duel:

Two pistols exactly alike are to be placed in a bag; one is to be loaded and the other not. Torres has the privilege of withdrawing a pistol and leaving the other for Reynald. They are then to stand with the pistols against each other's heart and at the given word to fire. The one who lives is to be Governor and the capital is to be located at his choice. It is not believed that Torres will accept, but the challenge is causing much

## prominence of the persons concerned. TO PRISON TO EASE HIS MIND.

comment in Mexico on account of the

Escaped Convict, Received by Good People, Constantly Feared Exposure. DUBLIN, Ga., Oct. 10 .- Haunted by fear

of capture so that he dreamed nightly of being returned to prison, Orville Casterline, who escaped months ago from the Ohio penitentiary, went to the county jail to-day and surrendered to Sheriff Gilbert, with the request that the Ohio authorities be notified.

Caskerline said that he was sentenced

The fire spread rapidly and soon the entire building was enveloped. The building was blown up, it is believed, because Kaloniski had refused to make terms with the Black Hand. A short time ago he received a letter demanding that he leave \$1.500 at a lonely spot near his home, but he turned the letter over to the relieved.

Side organization formed last August for the purpose of putting a stop to the practice of moving picture proprietors of allowing children in to see their shows.

Supt. Moore of the Gerry society told the Justices that Mass's place was the worst in the city. of being returned to prison, Orville Cas-

o serve fifteen years for burglary and had served forty-seven months of the time when the opportunity to escape came. After successfully eluding pursuit Caskerline began a trip over the United States, which some months ago ended at Dublin, where he got employment and was doing well. Caskerline was well liked y his employers and was received among ple. He said that the though as a convict and was imposing on people made him miserable

# IMPROVING THE LADIES.

Aldermen Leave Them Hatpins, but Propose to Take Away Cigarettes.

The Aldermen having failed to put through an ordinance preventing women from wearing protruding hatpins Frank Georgia Automobilist Taken III in Hotel Dowling, the Tammany floor leader. undertook yesterday to stop them smok-John A. Martin, Jr., a real estate man ing in restaurants. "It is outrageous!" to have some law to prohibit it. That women should be allowed to smoke in open places is intolerable; it is absolutely

do about it. The resolution was pass without discussion and without dissent.

condition became such that he was taken out orders received from party head-to Bellevue Hospital. Ruby doesn't know what made her father ill.

Dr. Smith and Mr. Scruges left the hotel, the room clerk said.

CALIFORNIA ADOPTS RECALL INCLUDING JUDGES.

Twenty-one of Twenty-three Amendment to the Constitution, Among Them the Beferendum and Employers Liability. Get Big Majority in Special Election.

SAN FRANCISCO, Oct. 10 .- Although suffrage leaders in Los Angeles and this city have practically given up the fight and the returns are coming in slowly reports from all parts of the State indicate that the result of to-day's election on constitutional amendments, so far as suffrage is concerned, is in doubt.

Figures from all parts of the State, including this city, give suffrage 9,612 to 9,708 against. The country districts are

The initiative, referendum, recall, which includes Judges, and the employers' liability will be adopted by a majority of

The defeat of suffrage, if it is defeated, will be a distinct surprise, as was thought that the women Mission Foundation Established by Son of made a successful fight. It was expected that this city would cast its vote against the amendment, while in southern California suffrage leaders exboy 15 years old, who was with a gang pected to roll up a great majority which would insure victory

workers, as the returns show 1.735 for sufrage and 1,525 against. On the face of these returns Los Angeles county will give suffrage a little more than 5,000 majority while this city will give an adverse majority of more than 10,000.

Never in the history of the State was such a well organized campaign made on a political issue as that of the suffragists but apparently this very activity was one of the factors in their weakness. For two weeks women of all ages and conditions have been making a canvass of the Automobile tours were made through the country districts, and during the last few days this city was the centre of the fight. Open air meetings in the streets and squares were held night and

To-day more than a thousand women were stationed at various polling places and every voter was stopped and urged to vote for suffrage. The hundred foot limits were disregarded and buttonholing continued up to the very doors of the booths in many instances.

Many voters were turned against the women by the spectacle they afforded in their eagerness to win men to their

In West Oakland precincts, where there are many negro employees of the Southern Pacific, young colored women stood near the polling places handing to voters yellow dodgers b aring words: "Justice for Similar cards were scattered by the million throughout the State. Scores of voters who planned to vote future on this account rather than on they had been bombarded with suffrage for suffrage changed their minds after literature and held up on the streets by

Los Angeles, Oct. 10.-Early returns to-night indicate that the voters of California have approved twenty-two of the twenty-three constitutional amendments ibmitted to them at to-day's election.

There was little opposition to the amendments with the exception of the one giving women the right to vote. Women were divided on this question

and some fought it as bitterly as their sisters supported it.

# BLACK HAND BOMB KILLS 4. Proprietor of Tenement Had Refused

Anonymous Demand for \$1,500. WHEELING, W. Va., Oct. 10.-Four persons perished in a Black Hand outra Benwood, a suburb, early to-day. A big frame tenement housing forty persons was blown up at 2:45, and in the fire which followed the building was consumed.

The dead are N. Letuck, Mrs. Edward an unknown man. The police think there are two more bodies in the débris The house was rented to Edward Kalon-

### GETS LETTER AFTER 47 YEARS Written at Fort Monroe in War Time by Soldier to Wife.

WILKESBARRE, Pa., Oct. 10 .- John Nadden of Towanda, who was a member of the Third Pennsylvania Heavy Artillery dur- morning found inside a five-year-old ing the civil war, has just received a letter at Fort Monroe forty-seven years ago.

Where the letter has been all these years he does not know. It arrived in

Madden's impression is that it was received by some person for whom it was not intended and has been either held or mislaid. What the motive is held of missiand. What the motive is that the boy had tried several times to not know. In the letter he urgently requests his wife to get him a pair of playing with matches. Other means

# A PARK FOUNDLING.

Weeping Woman Places Baby Girl Bushes and Hurries Away.

George Little, a real estate broker o 334 Fifth avenue, saw a pale young woman, gowned in black, place a little baby in the bushes near the bridle path at the Seventh avenue entrance to Central Park yesterday afternoon and hurry away. She was weeping. Little called Policeman Angeline, who took the baby to the Arsenal. The child was a girl, two months old, and well dressed. It was taken to Bellevue with geared hand brakes in addition to the power brakes. The companies have Hospital and placed in the foundling ward. until June 1 next to make the equipments.

COLUMBUS DAY OUTING Poughkeepsie or Kingston Point and return the Day Life Str. HENDRICK HUDSON.—Adv.

GEN. HOYT WEDS NURSE.

Commander of the Department of the Lakes Takes Bride 30 Years His Junior. PHILADELPHIA, Oct. 10.-Brig.-Gen. Ralph Wilson Hoyt, U. S. A., commander of the Department of the Lakes, and Miss Cora McKeever Harbold of Dills burg, York county, Pa., a trained nurse were married this afternoon at the home

Germantown. The bride came here from Dillsburg nd was graduated from the Othopedic Hospital. After receiving her diploma she went west to visit a brother, Lieut Robert H. Harbold, U. S. A., who is on duty at St. Pauljunder Gen. Hoyt, and while there met the General. This was the beginning of the romance that brought about to-day's wedding.

The General has many friends in this city, but few of them knew anything about the marriage. This morning the a marriage license. He gave his name running for the women, while in this city the majority against them appears to be Yates county, N. Y., October 9, 1849.

Miss Harbold's birthplace was given as Dillsburg and she was born February

4, 1879. The General is a widower. Immediately after the ceremony the General and his bride hurried away in an

# JAMES GIVES A MILLION.

D. Willis James.

MILWAUREE, Wis., Oct. 10.-The annual report of the American Board of Commissioners of Foreign Missions shows that the largest gift ever made by an individual while still living was made Los Angeles disappointed the suffrage in foreign lands, an even \$1,000,000 as Italian was killed. a foundation in memory of D. Willis mes of New York by his son.

#### SAFE SAYINGS FOR LANDLORDS. You Are a Crook and a Cur" Not Slander of a Tenant in Default.

The extent to which a landlord may g in addressing a tenant who doesn't pay his rent was indicated yesterday by Supreme Court Justice Pendleton in dismissing a complaint brought by Joseph M. Adams against Walter W. Tinsley for \$10,000 for slander. Adams said that Tinsley remarked, "You are a crook and a cur."

In his defence Tinsley said that Adams was behind in his rent and that he was endeavoring to collect.

#### CLEARED AND PROMOTED. Coroner's Jury Exonerates Policeman Who Killed Burglar.

A Coroner's jury in The Bronx yesterday exonerated Patrolman John Brennecke of the Alexander avenue station from the technical homicide charge made against him after he shot a burglar in the Italians warning of the probable at-the rear of 275 East 137th street early eack by the Turks. They said that the Monday morning. Brennecke, who figured prominently in the running pistol fight with two men alleged to have broken into a United Cigar Store, was then congratulated by Coroner Schwannecke, who directed Capt. Post to replace his policeman's shield. Police Commissioner Waldo has promoted him to a first grade detective and to-day he will go to headquarters to get the gold shield tunately it was a bright moonlight night

of the detective bureau. The man killed by Brennecke was identified vesterday as Henry Cooperman.

## MRS. C. P. HUNTINGTON PAYS. yards the marines behind the works and Never Begrudges Uncle Sam the Duties

-88,000 This Time. Mrs. Collis P. Huntington, who arrived individual who ever has brought striving to press home the action, first dutiable articles into this port. She believes that Uncle Sam is entitled to all general coffer yesterday was \$8,000.

# FIRST JAIL SENTENCE.

Moving Picture Showman Who Admitted

Moses Maas, the proprietor of a moving Kaloniski, Mary Kaloniski, aged 3. and picture showhouse at East Houston and Pitt streets, was convicted in the Court of Spec al Sessions vesterday of allowing minor: in to see his performance iski. About 2:45 there was a terrific ex- unaccompanied by a guardian. He was plosion which tore away the front and side walls, indicating that a charge of some powerful explosive had been placed in one corner of the building.

Sentenced to serve twenty days in the City Prison, which is the first time a moving picture impresario here has been one corner of the building. one corner of the building.

A number of the tenants jumped from windows, but before all were able to escape flames began eating the debris.

The fire spread rapidly and soon the entire Side organization formed last August

# A CELLAR HIS PRISON. ( Small Boy Locked Up Underground by

Father-Parent Is Arrested. A water inspector trying ito get into the cellar at 314 First avenue yesterday boy. Walter Wyrth, who said that his hich he wrote to his wife while stationed father. Frank Wyrth, had locked him in there as punishment for playing with matches. Last night the police of the East Twenty-second street station arrested the different envelope from that in which father when he came home from work was sent and it was postmarked To- and charged him with abandoning his boy in the cellar from Monday morning

until yesterday noon. The man admitted, the police say, that he locked up his son but explained of correction had been tried, he said, and this was resorted to as a final expedient. The boy is being cared for by the Children's society until the matter can be disposed of in court to-day

Power Brakes Ordered on Surface Cars. The Public Service Commission adopted vesterday an order requiring the trolley companies to use power brakes on all passenger cars weighing over 25,100 pounds. It is also ordered that all passenger gouble track cars shall be equipped

"Hikit" the new stylish eyeglasses, Bisight or Toric Pebbles. Spencer's, now 7 Maiden Lane. —Ade.

# ITALIANS VICTORS IN BATTLE BY NIGHT

PRICE TWO CENTS.

# of Mr. and Mrs. Thomas D. Richardson in | Searchlights Sweep Attacking Turkish Lines at Tripoli.

# ARABS GAVE A WARNING

## General went to the City Hall and got Surprise Fails and King Victor's Marines Fight Like Veterans.

Special Cable Despatches to THE SUN.

PARIS, Oct. 10. The Temps, in a despatch from Tripoli by way of Malta, says that the Turks risked a regular engagement with the Italians' advanced posts yesterday, especially near Boumliana Springs. Firing was heavy on both sides. The Italian warships which were off shore supported the Italians and the cannonading continued until nearly dawn. to the board this year for its colleges The Turks retired with losses but not one

> Other despatches from Tripoli say that the Turkish troops made a determined night attack upon the Italians with the object of cutting the aqueduct that supplies Tripoli with water. The Italian force, 2,506 strong, repelled the attack. The main body of the Turkish force is said to be massed in the mountains, two days march from Tripoli.

VIENNA, Oct. 10 .- A despatch from Tripoli to the Corriere della Sera, Milan's largest paper, says that 3,000 Turks attacked the forts to-day and that there was sharp fighting for several hours.

The cruisers in the harbor participated n the fighting and there were considerable osses on both sides. The Turks finally retreated, leaving a number of dead and wounded. Some of the Turks were taken LONDON, Oct. 11 .- The Daily Telegraph n a Tripoli despatch from Bennes Bur-

eigh, their war correspondent, says that

the Italians have won their first land bat-

tle in fine shape. The friendly Arabs gave

Turks would no doubt attempt to enter Tripoli at night. Ample precautions were taken to reenforce the posts, particularly the new

works to the south. The war ships were about four miles off shore. The Turks were discovered about 1 clock in the morning advancing in two columns supported by field guns. For-

and the Italians ashore were judiciously assisted by searchlights. All night the Turks approached Tripoli a junk dealer of 218 Liberty avenue, Ja- in good order. There were thousands of them, supported by native auxiliaries. When they were within a few hundred in the trenches poured into their ranks

chine guns and field artillery. The intended Turkish surprise entirely yesterday by the North German Lloyd failed but the Ottomans stood to the liner Kronprinzessin Cecilie, paid the attack, courageously replying to the biggest duty when she got in last fall of intrenched Italiams with a heavy fire and on the west.

tremendous fire rifle, supported by ma-

The Italian marines, however, were the law allows. Her contribution to the not shaken. They were undaunted and fought most brilliantly, firing with steady and deadly accuracy. They beat back every attempt of the enemy. From 1:30 to 2 A. M., the rifle fire was fierce. After that it dwindled and ceased. The enemy

retreated with severe losses. On the eastern side the attacking column of Turks tried to turn that flank of the Italian defence. They advanced into the palm belt and threw shrapnel which fell near the Esparto factory by the sea. The Italians held fast and drove

away every advance on front or flank The behavior of the sturdy marines was admirable. It could not have been better among any troops. The fleet, cleverly granged, contributed to the success of the defence. When the rifle fire became heavy several vessels, including the cruisers and battleships, opened up with their minor batteries, directing their shells over the town so that they might fall among the Turks and cover the Italian front flanks against rushes en masse The firing of the fleet was deliberate and well placed and was directed by signals

and wireless. After the rifle fire had ceased the ships continued to pursue the retreating for with shells from their heavier batteries including the 6 inch and 12 inch guns. The firing continued until 6 A. M. The Italian casualties were slight. People in Tripoli remained indoors and were

confident of Italian victory. The Times in a despatch from Tripoli dated October 8 says that more or less trustworthy information from the interior shows that the Turks are in a very serious plight. Munir Pasha, the commande of the troops, appears to be a dear old gentleman incapable of independent action when instructions from Stambou

The bulk of the Turkish force is estimated at some 10,000, but it is probably nearer 5,000. It appears that it has been marched backward and forward in the desert and when the despatch was written had not decided to attack the Italian naval brigade. The despatch says that the indecision of the commander had caused the force to be halted within a day's march outside of Tripoli and that the baggage without an escort has been sent to the interior, while the camel men realizing that the Turkish régime was over walked

Nearly all the local conscripts and all of the locally armed Arabs are said to have deserted.

The Daily Mail's Constantinople corre pondent has had an interview with Shev-

ket Pasha, the Turkish Minister of War Shevket is quoted as saying:

off with the camels and their loads.